

1 AN ACT in relation to environmental matters.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Environmental Protection Act is amended  
5 by changing Section 21 as follows:

6 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

7 Sec. 21. No person shall:

8 (a) Cause or allow the open dumping of any waste.

9 (b) Abandon, dump, or deposit any waste upon the public  
10 highways or other public property, except in a sanitary  
11 landfill approved by the Agency pursuant to regulations  
12 adopted by the Board.

13 (c) Abandon any vehicle in violation of the "Abandoned  
14 Vehicles Amendment to the Illinois Vehicle Code", as enacted  
15 by the 76th General Assembly.

16 (d) Conduct any waste-storage, waste-treatment, or  
17 waste-disposal operation:

18 (1) without a permit granted by the Agency or in  
19 violation of any conditions imposed by such permit,  
20 including periodic reports and full access to adequate  
21 records and the inspection of facilities, as may be  
22 necessary to assure compliance with this Act and with  
23 regulations and standards adopted thereunder; provided,  
24 however, that, except for municipal solid waste landfill  
25 units that receive waste on or after October 9, 1993, no  
26 permit shall be required for (i) any person conducting a  
27 waste-storage, waste-treatment, or waste-disposal  
28 operation for wastes generated by such person's own  
29 activities which are stored, treated, or disposed within  
30 the site where such wastes are generated, or (ii) a  
31 facility located in a county with a population over

1           700,000, operated and located in accordance with Section  
 2           22.38 of this Act, and used exclusively for the transfer,  
 3           storage, or treatment of general construction or  
 4           demolition debris;

5           (2) in violation of any regulations or standards  
 6           adopted by the Board under this Act; or

7           (3) which receives waste after August 31, 1988,  
 8           does not have a permit issued by the Agency, and is (i) a  
 9           landfill used exclusively for the disposal of waste  
 10          generated at the site, (ii) a surface impoundment  
 11          receiving special waste not listed in an NPDES permit,  
 12          (iii) a waste pile in which the total volume of waste is  
 13          greater than 100 cubic yards or the waste is stored for  
 14          over one year, or (iv) a land treatment facility  
 15          receiving special waste generated at the site; without  
 16          giving notice of the operation to the Agency by January  
 17          1, 1989, or 30 days after the date on which the operation  
 18          commences, whichever is later, and every 3 years  
 19          thereafter. The form for such notification shall be  
 20          specified by the Agency, and shall be limited to  
 21          information regarding: the name and address of the  
 22          location of the operation; the type of operation; the  
 23          types and amounts of waste stored, treated or disposed of  
 24          on an annual basis; the remaining capacity of the  
 25          operation; and the remaining expected life of the  
 26          operation.

27          Item (3) of this subsection (d) shall not apply to any  
 28          person engaged in agricultural activity who is disposing of a  
 29          substance that constitutes solid waste, if the substance was  
 30          acquired for use by that person on his own property, and the  
 31          substance is disposed of on his own property in accordance  
 32          with regulations or standards adopted by the Board.

33          This subsection (d) shall not apply to hazardous waste.

34          (e) Dispose, treat, store or abandon any waste, or

1 transport any waste into this State for disposal, treatment,  
2 storage or abandonment, except at a site or facility which  
3 meets the requirements of this Act and of regulations and  
4 standards thereunder.

5 (f) Conduct any hazardous waste-storage, hazardous  
6 waste-treatment or hazardous waste-disposal operation:

7 (1) without a RCRA permit for the site issued by  
8 the Agency under subsection (d) of Section 39 of this  
9 Act, or in violation of any condition imposed by such  
10 permit, including periodic reports and full access to  
11 adequate records and the inspection of facilities, as may  
12 be necessary to assure compliance with this Act and with  
13 regulations and standards adopted thereunder; or

14 (2) in violation of any regulations or standards  
15 adopted by the Board under this Act; or

16 (3) in violation of any RCRA permit filing  
17 requirement established under standards adopted by the  
18 Board under this Act; or

19 (4) in violation of any order adopted by the Board  
20 under this Act.

21 Notwithstanding the above, no RCRA permit shall be  
22 required under this subsection or subsection (d) of Section  
23 39 of this Act for any person engaged in agricultural  
24 activity who is disposing of a substance which has been  
25 identified as a hazardous waste, and which has been  
26 designated by Board regulations as being subject to this  
27 exception, if the substance was acquired for use by that  
28 person on his own property and the substance is disposed of  
29 on his own property in accordance with regulations or  
30 standards adopted by the Board.

31 (g) Conduct any hazardous waste-transportation  
32 operation:

33 (1) without registering with and obtaining a permit  
34 from the Agency in accordance with the Uniform Program

1 implemented under subsection (1-5) of Section 22.2; or  
2 (2) in violation of any regulations or standards  
3 adopted by the Board under this Act.

4 (h) Conduct any hazardous waste-recycling or hazardous  
5 waste-reclamation or hazardous waste-reuse operation in  
6 violation of any regulations, standards or permit  
7 requirements adopted by the Board under this Act.

8 (i) Conduct any process or engage in any act which  
9 produces hazardous waste in violation of any regulations or  
10 standards adopted by the Board under subsections (a) and (c)  
11 of Section 22.4 of this Act.

12 (j) Conduct any special waste transportation operation  
13 in violation of any regulations, standards or permit  
14 requirements adopted by the Board under this Act. However,  
15 sludge from a water or sewage treatment plant owned and  
16 operated by a unit of local government which (1) is subject  
17 to a sludge management plan approved by the Agency or a  
18 permit granted by the Agency, and (2) has been tested and  
19 determined not to be a hazardous waste as required by  
20 applicable State and federal laws and regulations, may be  
21 transported in this State without a special waste hauling  
22 permit, and the preparation and carrying of a manifest shall  
23 not be required for such sludge under the rules of the  
24 Pollution Control Board. The unit of local government which  
25 operates the treatment plant producing such sludge shall file  
26 a semiannual report with the Agency identifying the volume of  
27 such sludge transported during the reporting period, the  
28 hauler of the sludge, and the disposal sites to which it was  
29 transported. This subsection (j) shall not apply to hazardous  
30 waste.

31 (k) Fail or refuse to pay any fee imposed under this  
32 Act.

33 (l) Locate a hazardous waste disposal site above an  
34 active or inactive shaft or tunneled mine or within 2 miles

1 of an active fault in the earth's crust. In counties of  
2 population less than 225,000 no hazardous waste disposal site  
3 shall be located (1) within 1 1/2 miles of the corporate  
4 limits as defined on June 30, 1978, of any municipality  
5 without the approval of the governing body of the  
6 municipality in an official action; or (2) within 1000 feet  
7 of an existing private well or the existing source of a  
8 public water supply measured from the boundary of the actual  
9 active permitted site and excluding existing private wells on  
10 the property of the permit applicant. The provisions of this  
11 subsection do not apply to publicly-owned sewage works or the  
12 disposal or utilization of sludge from publicly-owned sewage  
13 works.

14 (m) Transfer interest in any land which has been used as  
15 a hazardous waste disposal site without written notification  
16 to the Agency of the transfer and to the transferee of the  
17 conditions imposed by the Agency upon its use under  
18 subsection (g) of Section 39.

19 (n) Use any land which has been used as a hazardous  
20 waste disposal site except in compliance with conditions  
21 imposed by the Agency under subsection (g) of Section 39.

22 (o) Conduct a sanitary landfill operation which is  
23 required to have a permit under subsection (d) of this  
24 Section, in a manner which results in any of the following  
25 conditions:

- 26 (1) refuse in standing or flowing waters;
- 27 (2) leachate flows entering waters of the State;
- 28 (3) leachate flows exiting the landfill confines  
29 (as determined by the boundaries established for the  
30 landfill by a permit issued by the Agency);
- 31 (4) open burning of refuse in violation of Section  
32 9 of this Act;
- 33 (5) uncovered refuse remaining from any previous  
34 operating day or at the conclusion of any operating day,

1 unless authorized by permit;

2 (6) failure to provide final cover within time  
3 limits established by Board regulations;

4 (7) acceptance of wastes without necessary permits;

5 (8) scavenging as defined by Board regulations;

6 (9) deposition of refuse in any unpermitted portion  
7 of the landfill;

8 (10) acceptance of a special waste without a  
9 required manifest;

10 (11) failure to submit reports required by permits  
11 or Board regulations;

12 (12) failure to collect and contain litter from the  
13 site by the end of each operating day;

14 (13) failure to submit any cost estimate for the  
15 site or any performance bond or other security for the  
16 site as required by this Act or Board rules.

17 The prohibitions specified in this subsection (o) shall  
18 be enforceable by the Agency either by administrative  
19 citation under Section 31.1 of this Act or as otherwise  
20 provided by this Act. The specific prohibitions in this  
21 subsection do not limit the power of the Board to establish  
22 regulations or standards applicable to sanitary landfills.

23 (p) In violation of subdivision (a) of this Section,  
24 cause or allow the open dumping of any waste in a manner  
25 which results in any of the following occurrences at the dump  
26 site:

27 (1) litter;

28 (2) scavenging;

29 (3) open burning;

30 (4) deposition of waste in standing or flowing  
31 waters;

32 (5) proliferation of disease vectors;

33 (6) standing or flowing liquid discharge from the  
34 dump site;

1 (7) deposition of:

2 (i) general construction or demolition debris  
3 as defined in Section 3.78 of this Act; or

4 (ii) clean construction or demolition debris  
5 as defined in Section 3.78a of this Act.

6 The prohibitions specified in this subsection (p) shall  
7 be enforceable by the Agency either by administrative  
8 citation under Section 31.1 of this Act or as otherwise  
9 provided by this Act. The specific prohibitions in this  
10 subsection do not limit the power of the Board to establish  
11 regulations or standards applicable to open dumping.

12 (q) Conduct a landscape waste composting operation  
13 without an Agency permit, provided, however, that no permit  
14 shall be required for any person:

15 (1) conducting a landscape waste composting  
16 operation for landscape wastes generated by such person's  
17 own activities which are stored, treated or disposed of  
18 within the site where such wastes are generated; or

19 (2) applying landscape waste or composted landscape  
20 waste at agronomic rates; or

21 (3) operating a landscape waste composting facility  
22 on a farm, if the facility meets all of the following  
23 criteria:

24 (A) the composting facility is operated by the  
25 farmer on property on which the composting material  
26 is utilized, and the composting facility constitutes  
27 no more than 2% of the property's total acreage,  
28 except that the Agency may allow a higher percentage  
29 for individual sites where the owner or operator has  
30 demonstrated to the Agency that the site's soil  
31 characteristics or crop needs require a higher rate;

32 (B) the property on which the composting  
33 facility is located, and any associated property on  
34 which the compost is used, is principally and

1 diligently devoted to the production of agricultural  
2 crops and is not owned, leased or otherwise  
3 controlled by any waste hauler or generator of  
4 nonagricultural compost materials, and the operator  
5 of the composting facility is not an employee,  
6 partner, shareholder, or in any way connected with  
7 or controlled by any such waste hauler or generator;

8 (C) all compost generated by the composting  
9 facility is applied at agronomic rates and used as  
10 mulch, fertilizer or soil conditioner on land  
11 actually farmed by the person operating the  
12 composting facility, and the finished compost is not  
13 stored at the composting site for a period longer  
14 than 18 months prior to its application as mulch,  
15 fertilizer, or soil conditioner;

16 (D) the owner or operator, by January 1, 1990  
17 (or the January 1 following commencement of  
18 operation, whichever is later) and January 1 of each  
19 year thereafter, (i) registers the site with the  
20 Agency, (ii) reports to the Agency on the volume of  
21 composting material received and used at the site,  
22 (iii) certifies to the Agency that the site complies  
23 with the requirements set forth in subparagraphs  
24 (A), (B) and (C) of this paragraph (q)(3), and (iv)  
25 certifies to the Agency that all composting material  
26 was placed more than 200 feet from the nearest  
27 potable water supply well, was placed outside the  
28 boundary of the 10-year floodplain or on a part of  
29 the site that is floodproofed, was placed at least  
30 1/4 mile from the nearest residence (other than a  
31 residence located on the same property as the  
32 facility) and there are not more than 10 occupied  
33 non-farm residences within 1/2 mile of the  
34 boundaries of the site on the date of application,

1           and was placed more than 5 feet above the water  
2           table.

3           For the purposes of this subsection (q), "agronomic  
4 rates" means the application of not more than 20 tons per  
5 acre per year, except that the Agency may allow a higher rate  
6 for individual sites where the owner or operator has  
7 demonstrated to the Agency that the site's soil  
8 characteristics or crop needs require a higher rate.

9           (r) Cause or allow the storage or disposal of coal  
10 combustion waste unless:

11           (1) such waste is stored or disposed of at a site  
12 or facility for which a permit has been obtained or is  
13 not otherwise required under subsection (d) of this  
14 Section; or

15           (2) such waste is stored or disposed of as a part  
16 of the design and reclamation of a site or facility which  
17 is an abandoned mine site in accordance with the  
18 Abandoned Mined Lands and Water Reclamation Act; or

19           (3) such waste is stored or disposed of at a site  
20 or facility which is operating under NPDES and Subtitle D  
21 permits issued by the Agency pursuant to regulations  
22 adopted by the Board for mine-related water pollution and  
23 permits issued pursuant to the Federal Surface Mining  
24 Control and Reclamation Act of 1977 (P.L. 95-87) or the  
25 rules and regulations thereunder or any law or rule or  
26 regulation adopted by the State of Illinois pursuant  
27 thereto, and the owner or operator of the facility agrees  
28 to accept the waste; and either

29           (i) such waste is stored or disposed of in  
30 accordance with requirements applicable to refuse  
31 disposal under regulations adopted by the Board for  
32 mine-related water pollution and pursuant to NPDES  
33 and Subtitle D permits issued by the Agency under  
34 such regulations; or

1           (ii) the owner or operator of the facility  
2 demonstrates all of the following to the Agency, and  
3 the facility is operated in accordance with the  
4 demonstration as approved by the Agency: (1) the  
5 disposal area will be covered in a manner that will  
6 support continuous vegetation, (2) the facility will  
7 be adequately protected from wind and water erosion,  
8 (3) the pH will be maintained so as to prevent  
9 excessive leaching of metal ions, and (4) adequate  
10 containment or other measures will be provided to  
11 protect surface water and groundwater from  
12 contamination at levels prohibited by this Act, the  
13 Illinois Groundwater Protection Act, or regulations  
14 adopted pursuant thereto.

15           Notwithstanding any other provision of this Title, the  
16 disposal of coal combustion waste pursuant to item (2) or (3)  
17 of this subdivision (r) shall be exempt from the other  
18 provisions of this Title V, and notwithstanding the  
19 provisions of Title X of this Act, the Agency is authorized  
20 to grant experimental permits which include provision for the  
21 disposal of wastes from the combustion of coal and other  
22 materials pursuant to items (2) and (3) of this subdivision  
23 (r).

24           (s) After April 1, 1989, offer for transportation,  
25 transport, deliver, receive or accept special waste for which  
26 a manifest is required, unless the manifest indicates that  
27 the fee required under Section 22.8 of this Act has been  
28 paid.

29           (t) Cause or allow a lateral expansion of a municipal  
30 solid waste landfill unit on or after October 9, 1993,  
31 without a permit modification, granted by the Agency, that  
32 authorizes the lateral expansion.

33           (u) Conduct any vegetable by-product treatment, storage,  
34 disposal or transportation operation in violation of any

1 regulation, standards or permit requirements adopted by the  
 2 Board under this Act. However, no permit shall be required  
 3 under this Title V for the land application of vegetable  
 4 by-products conducted pursuant to Agency permit issued under  
 5 Title III of this Act to the generator of the vegetable  
 6 by-products. In addition, vegetable by-products may be  
 7 transported in this State without a special waste hauling  
 8 permit, and without the preparation and carrying of a  
 9 manifest.

10 (v) (Blank).

11 (w) Conduct any generation, transportation, or recycling  
 12 of construction or demolition debris, clean or general, or  
 13 uncontaminated soil generated during construction,  
 14 remodeling, repair, and demolition of utilities, structures,  
 15 and roads that is not commingled with any waste, without the  
 16 maintenance of documentation identifying the hauler,  
 17 generator, place of origin of the debris or soil, the weight  
 18 or volume of the debris or soil, and the location, owner, and  
 19 operator of the facility where the debris or soil was  
 20 transferred, disposed, recycled, or treated. This  
 21 documentation must be maintained by the generator,  
 22 transporter, or recycler for 3 years. This subsection (w)  
 23 shall not apply to (1) a permitted pollution control facility  
 24 that transfers or accepts construction or demolition debris,  
 25 clean or general, or uncontaminated soil for final disposal,  
 26 recycling, or treatment, (2) a public utility (as that term  
 27 is defined in the Public Utilities Act) or a municipal  
 28 utility, ~~or~~ (3) the Illinois Department of Transportation, or  
 29 (4) a local governmental entity, with the exception of any  
 30 local governmental entity located within a municipality  
 31 having a population of over 500,000 inhabitants or located in  
 32 a county that is contiguous to the county in which such a  
 33 municipality is located; but it shall apply to an entity that  
 34 contracts with a public utility, a municipal utility, ~~or~~ the

1 Illinois Department of Transportation, or a local  
2 governmental entity. The terms "generation" and "recycling"  
3 as used in this subsection do not apply to clean construction  
4 or demolition debris when (i) used as fill material below  
5 grade outside of a setback zone if covered by sufficient  
6 uncontaminated soil to support vegetation within 30 days of  
7 the completion of filling or if covered by a road or  
8 structure, (ii) solely broken concrete without protruding  
9 metal bars is used for erosion control, or (iii) milled  
10 asphalt or crushed concrete is used as aggregate in  
11 construction of the shoulder of a roadway. The terms  
12 "generation" and "recycling", as used in this subsection, do  
13 not apply to uncontaminated soil that is not commingled with  
14 any waste when (i) used as fill material below grade or  
15 contoured to grade, or (ii) used at the site of generation.  
16 (Source: P.A. 90-219, eff. 7-25-97; 90-344, eff. 1-1-98;  
17 90-475, eff. 8-17-97; 90-655, eff. 7-30-98; 90-761, eff.  
18 8-14-98; 91-72, eff. 7-9-99.)